

**REMARKS/ARGUMENTS**

Claims 1, 12, 13, 20-47 and 73-87 are pending in the application.

The Examiner is thanked for the courtesy of a telephone interview on February 11, 2009, and for his helpful suggestions, pursuant to which a revised claim 32 is being submitted herewith. In particular, claim 32 now defines that the signals to the probe unit comprise control and programming signals, comprising a feedback loop configured to start, stop, and/or alter the activity of the annular means of the probe unit, either automatically or manually, for stimulating pelvic muscles and/or nerves in a mammal. The "either automatically or manually" language has been inserted since the probe unit can either be pre-programmed, or the activity can be affected manually (see, for example, page 3, lines 15-17, and page 7, lines 5-20 of the specification).

In addition, for the record, the following comments are offered.

The probe and controller units of applicants' claim 32 both require two-way communication means that are adapted to both transmit signals to, and receive signals from, each other respectively, and in particular in real time. Although the Examiner has cited Guice's use of DSSS and CDMA as an indication of simultaneous transmission and reception of data in real time, applicants respectfully disagree and will explain that rather than describing methods of providing real time or simultaneous two-way communication, DSSS and CDMA are methods for avoiding potential signal transmission errors that can occur when more than one transmitter transmits at the same time, i.e. during one-way

communication. In paragraph [0112] Guice starts out by stating that "[d]epending upon the number of animals and telesensors in a given area within range of one or more receivers, there is a possibility of two or more transmitters transmitting at the same time."

Guice's use of the term "simultaneous" does not refer to two-way communication, but rather relates to possible signal transmission errors. For example, in paragraph [0031], Guice, in pointing out the drawbacks of U.S. Patent No. 4,854,328, states that although this patent increases range by using a relay device, "no means are provided to avoid collisions between simultaneous transmissions from multiple animals" (emphasis added). In paragraph [0112], Guice teaches that when two or more transmitters are in close proximity to one or more receivers, there is a possibility that multiple transmitters can transmit at the same time or overlap in time at the receiver, so that collisions can occur between simultaneous transmissions, the transmissions cannot be properly detected by the receivers, or the transmissions can interfere with one another. In paragraph [0114], Guice refers to the use of CDMA so that transmissions can be properly independently detected even though they arrive overlapped in time (i.e. referring to one-way communication).

The common recognized source for the understanding of telecommunication terms is the Alliance for Telecommunication Industries Solutions (hereinafter ATIS). With regard to DSSS and CDMA, the ATIS definitions are, respectively, (i) a way to pseudo-randomly modulate the transmission of a signal sine wave or its structure, and (ii) a code modulating

technique to distinguish among each of the simultaneous carrier transmissions, as a separate logical entity, occurring in or over a wideband channel. Thus, one of ordinary skill in the art recognizes that both DSSS and CDMA are methods to distinguish between and among the potential of simultaneous signal transmissions from more than one transmitter located within a small geographical area to a receiver within its geographical confines. Both DSSS and CDMA are ways to avoid the potential for signal transmission errors when several transmitters transmit simultaneously, i.e. during one-way communication.

In addition to pointing out the shortcomings of US Patent No. 4,858,328 in paragraph [0031], in paragraph [0112] Guice specifically teaches about the potential of transmission errors. In paragraphs [0113] and [0114], Guice teaches about the use of more sophisticated multiple access schemes such as DSSS and CDMA to avoid signal transmission errors. Guice's reasoning for avoiding the collision or overlap of two or more transmitters that are transmitting at the same time is provided in detail in paragraph [0112], and clearly relates to one-way communication.

With regard further to the Examiner's statement that Guice discloses transceivers communicating with controllers immediately, this was discussed in great detail in applicants' previous amendment. In particular, it is respectfully submitted that the immediacy of the transceivers communicating with the controllers is not supported by paragraph [0100] and Figs. 8 to 10, which provide a circuit logic for an animal's telesensor to monitor, power-up the transmitter, then transmit an alert signal, and in some limited instances to receive a

confirmation signal back from the central processing computer 70 before powering-down and returning to monitor mode. However, this is not a real time or immediately occurring communication.

Further in this regard, it should be noted that once the central processing computer 70 receives an alert from the animal 53, it in turn sends an alert signal to the animal attendant 75 that some corrective action is required. Alternatively, the alert signal from the animal's telesensor may be sent directly to the animal attendant 75 to alert him that the animal is experiencing difficulty and requires attention. Since the animal 53 cannot respond directly to a response signal from the central processing computer 70 or the animal attendant 75, simultaneous real time communication by the animal 53 to the central processing computer 70 and/or the animal attendant 75 would be superfluous. It is therefore respectfully submitted that at all times there is an intermediary step in the communications between and among the central processing computer, the animal and the attendant, such as

- 1) the animal 53 transmits an alert warning to the central processing computer 70, which then transmits an alert signal to the attendant 75 who must seek out and help the animal 53;
  
- 2) the animal 53 transmits an alert warning directly to the attendant 75, who must then seek out the animal 53 to see what triggered the alert; or

- 3) the animal 53 transmits an alert warning to both the central processing computer 70 and directly to the attendant 75 who then gets the alert from the central processing computer but still must seek out and help the animal 53.

In summary, not only does Guice not provide simultaneous or real time two-way communication, DSSS and CDMA are not ways of providing two-way communication. Rather, these methods allow simultaneous one-way communication of multiple transmissions to occur by preventing overlap of transmissions and maintaining the integrity of individual signals.

The undersigned recognizes that a further search will be made. Applicant's also appreciate the Examiner's offer to call the undersigned after such a search to discuss the results thereof and to further amend claim 32, if necessary.

Respectfully submitted,



Robert W. Becker, Reg. 26,255  
Attorney for Applicant(s)

ROBERT W. BECKER & ASSOCIATES  
707 State Hwy 333, Ste. B  
Tijeras, New Mexico 87059-7507

Telephone: 505 286 3511  
Telefax: 505 286 3524

RWB:rac